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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

TIMOTHY and JEANNE DuFOUR and
 KENNETH TANNER, individuals, on
 their own behalves and on behalf of all
 others similarly situated,

Plaintiffs,

v.

BE., LLC, DYNAMIC SHOWCASES,
 LLC, California limited liability
 companies, MONTEREY FINANCIAL
 SERVICES, INC., a California
 corporations, BE MARKETING
 LIMITED, a private limited company
 registered in England and Wales, ERIK
 DeSANDO, BARRY FALCK, JACOB
 STEINBECK, and DOES 1-100, inclusive,

Defendants.

No. 09-03770-CRB

Judge Charles R. Breyer

**STIPULATION CONTINUING THE
 CURRENT BRIEFING SCHEDULE AND
~~PROPOSED~~ ORDER**

STIPULATION CONTINUING THE CURRENT BRIEFING SCHEDULE

WHEREAS, the Court's case management order states in relevant part: "Briefing schedule set for motion for summary judgment: Motion due by 10/01/2010. Response due by 10/22/2010. Reply due by 10/29/2010. Motion Hearing set for 11/5/2010 10:00 AM in Courtroom 8, 19th Floor, San Francisco." (Dkt. No. 95).

WHEREAS, Defendant Jacob Steinbeck's ("Mr. Steinbeck") lead trial counsel is taking a summer vacation between August 11 and August 23 and will therefore be unavailable during that time period.

WHEREAS, Plaintiffs noticed depositions for Jeffrey Tisdale, David Newman, and Barry Falck on dates during that period prior to receiving notice of Mr. Steinbeck's counsel's vacation plans.

WHEREAS, the parties agreed to not proceed with those depositions on the noticed dates in light of Mr. Steinbeck's counsel's unavailability.

WHEREAS, the parties agree that a continuation of the summary judgment briefing schedule is warranted.

WHEREAS, the parties agree to meet and confer in good faith to coordinate scheduling of all depositions subsequent to August 24 in order to accommodate the schedules of counsel, the parties, and any third parties.

WHEREAS, no deadline has currently been set for completion of class discovery or filing of a motion for class certification, and no trial date has been set, such that the continuation of the summary judgment briefing schedule will not affect any other deadline in this case.

WHEREAS, the parties agree that this stipulation is without prejudice to any of their rights to seek additional relief from the Court with respect to any scheduling issues on any grounds besides those specifically referenced above, and that this stipulation shall not be construed as relief on any other grounds.

THEREFORE, the parties hereby stipulate that:

1. The briefing schedule set forth in Docket No. 95 shall be modified as follows:
 - (a) the deadline for Defendants to file their motions for summary judgment shall be

continued until October 22, 2010;

(b) the deadline for Plaintiffs to file any opposition to Defendants' motion for summary judgment shall be continued until November 15, 2010;

(c) the deadline for Defendants' reply brief until November 22, 2010; and

(d) the hearing date for the Defendants' motion for summary judgment shall be continued until December 3, 2010.

Dated: August 6, 2010

By: s/Ethan Preston

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Attorneys for Plaintiffs

Dated: August 6, 2010

By: /s/

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 9, 2010

By: _____

Honorable Charles R. Breyer
United States District Court Judge

